

Human Resources  
Goireasan Daonna

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# Special Leave Policy

## Poileasaidh Fòrlaidh Shònraichteaelic

# Contents

## Clàr-innse

<b>Document Control</b>	<b>2</b>
<b>Introduction</b>	<b>3</b>
<b>Policy Purpose</b>	<b>3</b>
Who is this policy for?	3
<b>Policy in Practice</b>	<b>4</b>
Special Leave Provisions	4
Recording Special Leave	10
Equality & Diversity	10
Guidance	11
Legislation	11
Monitoring	11
<b>Quick Links</b>	<b>12</b>

# Document Control

## A: Version History

Version	Date	Author	Change
1.3	October 2024	Jane Henderson	Addition of Special Constable & Cadet Force Adult Volunteers
1.2	November 2023	Amanda MacLaren	Update to new format
1.1	June 2023	Isabel McLellan	Updated Election duties, addition of Safe Leave & Carer Positive Policy link
1.0	December 2021		Updated to new format
0.2	February 2020		Legislative changes Reservist Pay Support provision for election duties Changes to the level of decision making Inclusion of Bereavement Guidance Update to include Senior Mmt's review/monitoring role
0.1	December 2015		Standard Policy Format

## B: Document Approval

Name	Title	
Elaine Barrie	Head of HR	Final Approval
Louise McGunnigle	HR Manager	Final Reviewer
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## Introduction

The Highland Council's policy on special leave during working hours encompasses statutory entitlements for special leave and indicates where special leave will be granted with or without pay.

Generally, a decision as to whether to grant special leave will be determined by the needs of the Council, the Service, the length of absence and having due regard to the particular circumstances of the employee with further specific criteria being given in the policy.

Applications for special leave will be considered in the overall context of service delivery requirements.

Please note that separate policies and procedures are available for maternity leave, adoption leave, paternity leave, parental leave, time off for the support of dependents, carers leave, sick leave, annual leave and public holidays.

## Policy Purpose

The aims of this Policy are to establish the council's support for employees who require paid or unpaid time-off during working hours and to underpin guidance to support the effective management of this.

## Who is this policy for?

This policy applies to:

Scottish Joint Council Employees (all Highland Council (HC) graded posts)  
Chief Officials  
Non-teaching staff in Education.

Employees under SNCT Terms and Conditions have separate arrangements in place, please refer to [LNCT](#) policies.

Employees on Agenda for Change Terms and Conditions have separate arrangements in place, please refer to [NHS PIN policies](#).

# Policy in Practice

## Special Leave Provisions

### Public Duties

An employee should be allowed reasonable time off with pay during working hours to perform any of the duties of office, such as:

- A Justice of the Peace
- A member of a Local Authority
- A member of a statutory tribunal (e.g., member of Children's Panel, Industrial Tribunal)
- A member of a Health Board
- A member of an NHS Trust
- A member of a Family Practitioners' Committee
- A member of a College Board
- A member of a Visiting Committee in Scotland to prisons, Remand Centres and Young Offenders Institutions.

Leave for duties for items (b) to (g) includes attendance at Committees/Sub-Committees or doing anything of a class so approved for the purpose of discharge of the functions of the body, or any of its committees or Sub-Committees.

It will be for the Line Manager to determine what constitutes reasonable time off for public duties by examining:

- How much time off is required for the performance of the duties of the officer as a member of the body, and how much time off is required for the performance of a particular duty?
- How much time off the employee has already had in respect of these duties?
- The circumstances of the business of the Council, and the effect of the employee's absence on the running of the business.

Where time off with pay is granted, it will be subject to the deduction from such pay of any fees or remuneration or like allowances for the exercise of duties of the position which the employee is entitled to claim from the appropriate body whether the member of staff makes a claim. Alternatively, the employee can surrender such fees, remuneration or allowances to the Council.

Where an employee elects to use their annual leave or to take time off without pay, the employee can retain any fees, remuneration or allowances.

When an employee is permitted time off to perform the duties as an elected member of a relevant local authority, and those duties do not include acting as Chairman/ Convener/ Provost (or other appropriate title) of a Council, no payment will be made for any time off for such duties in excess of 208 hours in any one financial year of the Highland Council.

### Jury Service

A member of staff receiving a summons to serve on a Jury must report this to their Line Manager and must be granted special leave with pay to attend, unless exemption from serving is secured. The Juror’s allowance to which the officer is entitled (and for which the officer must make claim) will be deducted from such pay. Alternatively, the employee can surrender the allowance to the Council (please liaise with Payroll directly for this).

### Election Duties

As part of working for the Highland Council, all employees have a duty to support elections as best they can. With the approval of their Line Manager, employees who have been appointed to work for the Returning Officer and Election Office will be granted special leave with pay as below:

<b>Count Role</b>	<b>Framework</b>
Staff employed during the night of the count e.g., counters, drivers, postal vote team	Morning off after count which may be extended to one full day by Returning Officer in exceptional circumstances.
Staff employed in polling stations	Special leave on the day of the poll.

### Volunteer Reserve Forces

Employees who are members of the volunteer reserve forces and attend an annual training camp for a period of not less than one week will be granted special leave with pay, with the approval of their Line Manager, equal to the period which the officer attends the training camp but not exceeding a period of 15 days.

## Cadet Force Adult Volunteers

Employees who are members of the cadet force adult volunteers and attend an annual training camp for a period of not less than one week will be granted special leave with pay, with the approval of their Line Manager, equal to the period which the officer attends the training camp but not exceeding a period of 15 days.

## Voluntary Emergency Services

Employees who are members of an approved Voluntary Emergency Service Organisation will be granted special leave with pay to attend actual emergencies during working hours, but subject to the deduction of pay, remuneration and like allowances received from such bodies and subject to approval from their Line Manager who will be satisfied with arrangements for service delivery in the absence of the member of staff during a call-out.

Approved bodies are currently:

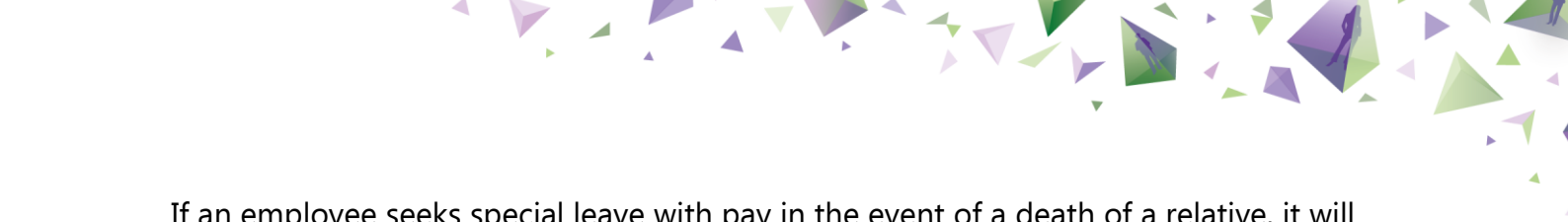
- British Red Cross Society
- St Andrew's Ambulance Association
- St John's Ambulance Association
- Voluntary Fire Service
- Retained Fire Service
- HM Coastguard
- Royal National Lifeboat Institution
- Mountain Rescue Services.

As recognised by the relevant Police Authority.

Special Constables are deemed to be a Voluntary Support Service rather than a Voluntary Emergency Service. Employees are therefore expected to schedule any voluntary support in their spare time. However, for training purposes only, special leave with pay for up to 10 days (pro-rata) will be granted.

## Bereavement Guidance

Please see the [Bereavement guidance](#) for more information.



If an employee seeks special leave with pay in the event of a death of a relative, it will be at the discretion of their Line Manager – the following is a guide to the number of days paid bereavement leave:

### **Up to 10 working days paid leave**

On the death of a husband, wife, civil partner, or partner (incl. same sex partners) \*, son or daughter\*\*, parent, stepparent, brother or sister, stepbrother/sister, father/mother-in-law, grandparents, grandchildren, son/daughter-in-law, or a person with whom the employee is in a relationship of domestic dependency.

\*Includes a partner with whom the employee is cohabiting, but who is not the employee's legal spouse/partner.

\*\*Includes children in respect of whom the employee is the adoptive parent, legal guardian, or carer. From April 2020, parents who suffer the loss of a child under age 18 are entitled to 2 weeks statutory bereavement leave. This also applies to employees who have a still birth from the 24th week of pregnancy.

### **Up to 1 day paid leave**

May be agreed on the death of any other relative to facilitate attendance at the funeral.

### **In the event of funerals of non-relatives**

It is at the discretion of the line manager to approve short periods of paid leave to attend local funerals. Otherwise, time off will require to be taken using annual leave or flexi time.

Not all employees will need to take the full allowance, and some employees will need additional time, depending on their relationship with the person who has died and/ or the circumstances of the death.

In considering the amount of leave, the line manager should consider the specific circumstances e.g., the relationship, where the employee has responsibility for funeral arrangements and/or the estate or, where it is necessary for the employee to travel to attend a funeral.

An employee should notify their line manager of the need to take leave as soon as possible or, at latest, on the first day of absence. In exceptional circumstances applications for leave will be considered after the first day of absence.



Line managers have the right to exercise discretion in exceptional circumstances as outlined above.

Leave days do not have to be taken consecutively.

## **Sudden Serious Illness**

At the discretion of the Line Manager up to 5 days special leave with pay in a leave year will be permitted in the event of sudden serious illness of a husband, wife, civil partner or partner (incl. same sex partners)\*, son or daughter\*\*, parent, stepparent, brother or sister, stepbrother/sister, father/mother-in-law, grandparents, grandchildren, son/daughter-in-law, or a person with whom the employee is in a relationship of domestic dependency.

\*Includes a partner with whom the employee is cohabiting, but who is not the employee's legal spouse/partner.

\*\*Includes children in respect of whom the employee is the adoptive parent, legal guardian, or carer.

Employees will be expected to use annual leave in the event of ongoing illness or minor ailments of immediate family and relatives, or to use flexi-credit or unpaid leave, subject to approval from the next level of line management.

## **Special Leave for Carers**

The [Carer Positive Policy](#) outlines support and assistance available to employees who have a responsibility of caring for a dependent affected by long-term illness, disability or addiction. Carers may request up to 5 working days per leave year which can be used flexibly in either full or half days.

## **Hospital Appointments including clinics**

Special paid leave for attendance at hospitals or clinics for either out-patient treatment or examination will be granted by the Line Manager on the production of evidence of an appointment.

When there is a requirement for a member of staff to accompany close family or dependent to hospitals or clinics for either out-patient treatment or examination, then

up to 5 days special leave with pay may be granted by the Line Manager, where it is essential that the employee accompanies the relative.

For incidental or routine appointments at Dentists, Doctors and other approved medical services, staff will be expected to attend such appointments in their own time, before or after normal working or out with core hours.

## **Gender Based Violence – Safe Leave**

Public Health Scotland defines Gender based violence (GBV) as a “major public health, equality and human rights issue. It covers a spectrum of violence and abuse, committed primarily but not exclusively against women by men. This includes, but is not limited to:

- domestic abuse
- rape and sexual assault
- childhood sexual abuse
- stalking and harassment
- commercial sexual exploitation
- harmful practices - such as female genital mutilation, forced marriage and so-called “honour” based violence.”

Gender based violence can be carried out by anyone of the same sex, a different sex or anyone of any gender identity. (Source: [www.acas.org.uk](http://www.acas.org.uk))


Employees who are victims of any form of Gender Based Violence may be granted Safe Leave of up to 5 days.

Reasons for requesting Safe Leave may include but are not limited to:

- attending medical appointments/counselling
- attending legal appointments/proceedings
- seeking safe accommodation/housing
- visiting legal/financial advisors or support agencies, for housing or childcare provision
- attending to matters as a result of family violence.

Based on the needs of the affected person, Safe Leave may be taken as a block of up to 5 days or as intermittent periods of absence over a calendar year (pro-rata for part time employees).

The Council may request supporting documentation, such as from healthcare professionals, the police and/or the relevant support agencies, as appropriate.



Requests for leave will be handled sensitively and in confidence and any related personal information will be secured in line with GDPR requirements.

Employees should discuss Safe Leave with their Line Manager in the first instance or contact [HR](#).

## **Trade Union Duties**

The Council will have due regard to the prevailing ACAS (Advisory, Conciliation and Arbitration Service) Code of Practice on time off for trade union duties and activities for employees who are members of trade unions recognised by the Council and employees who act as officials of such recognised trade unions. Generally, time off with pay will be granted only to officers exercising duties as officials of the recognised trade unions, and not for participation in trade union activities.

## **Exceptional Circumstances**

Where there is any request for special leave not covered by the policy the Line Manager will refer this to their Line Manager for consideration, who in consultation with the HR Manager will consider the appropriateness of the request and who may authorise additional paid or unpaid leave of absence.

## **Recording Special Leave**

All requests for special leave must be recorded on MyView. Recording is confidential and in line with GDPR requirements. Reporting of reasons for leave will not identify individuals.

## **Equality & Diversity**

This policy endorses the Equality & Human Rights Commission's (EHRC) principles which apply to all employees of The Highland Council, regardless of any of the protected characteristics (Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex or Sexual Orientation).



## Guidance

Guidance, information and tools relating to the management of this policy have been developed and will be maintained in accordance with the Highland Council Partnership Framework. Guidance, procedures and associated documentation can be found on the [HR Microsite](#) – see [Quick Links](#) below.

## Legislation

The development and application of this policy is guided by:

- ACAS Code of Practice
- Children and Families Act 2014
- Employment Act 2008
- Employment Relations Act 1999
- Equality Act 2010
- Protection from Redundancy (Pregnancy and Family Leave) Act 2023
- Reserve Forces (Safeguard of Employment) Act 1985
- Trade Union Act 2016
- Work and Families Act 2006.

## Monitoring

The application of this policy will be monitored through the Highland Council Partnership Framework and the Corporate Resources Committee.

## Quick Links

The Hyperlinks listed here will redirect you to the related guidance, letters, information, and relevant organisations mentioned in this policy.

<b>HR Microsite</b>	<a href="#">Click Here</a>
<b>Flexible Working and Flexi-Time</b>	<a href="#">Click Here</a>
<b>ACAS Code of Practice</b>	<a href="#">Click Here</a>
<b>Maternity, Paternity &amp; Adoption Leave</b>	<a href="#">Click Here</a>
<b>Attendance Management Policy</b>	<a href="#">Click Here</a>
<b>Bereavement Guidance</b>	<a href="#">Click Here</a>
<b>Carer Positive Policy &amp; Guidance</b>	<a href="#">Click Here</a>
<b>Trade Union Page</b>	<a href="#">Click Here</a>
<b>Sickness Reporting Procedure</b>	<a href="#">Click Here</a>
<b>British Red Cross Society</b>	<a href="#">Click Here</a>
<b>St. Andrew's Ambulance Association</b>	<a href="#">Click Here</a>
<b>St. John's Ambulance Association</b>	<a href="#">Click Here</a>
<b>Voluntary Fire Service</b>	<a href="#">Click Here</a>
<b>Retained Fire Service</b>	<a href="#">Click Here</a>
<b>HM Coastguard</b>	<a href="#">Click Here</a>
<b>Royal National Lifeboat Institution</b>	<a href="#">Click Here</a>
<b>Mountain Rescue Services</b>	<a href="#">Click Here</a>
<b>Payroll</b>	<a href="#">Click Here</a>
<b>Employee Assistance Programme</b>	<a href="#">Click Here</a>
<b>Bullying &amp; Harassment Policy</b>	<a href="#">Click Here</a>
<b>Gender Based Violence Policy</b>	<a href="#">Click Here</a>
<b>Sexual Harassment Policy</b>	<a href="#">Click Here</a>
<b>Equally Safe at Work (ESAW) Training</b>	<a href="#">Click Here</a>
<b>Equally Safe at Work Manager's Guidance on Sexual Harassment</b>	<a href="#">Click Here</a>



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